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REMARKS

Claims 1-29 remain pending in this application. The Office action has been reviewed in conjunction with the claims and the applied prior art. Reconsideration is requested in view of the following.

The rejection of claim 28 as being anticipated by Hase et al., U.S. Patent No. 5,099,134 ("Hase") under 35 U.S.C. § 102(b), is respectfully traversed. For a claim to be anticipated under 35 U.S.C. § 102, each and every limitation set forth in the claim must be found in a single prior art reference, in the same manner as claimed. All claim language must be considered, and claim language cannot simply be ignored, in making a determination of anticipation.

Here, claim 28 requires that the elongated sheets form a grid pattern of collimation holes into which pixellated scintillators are placed. Hase fails to disclose the placement of any pixellated scintillators in the holes 15 formed by the partition plates 1 and 2. To the contrary, Hase discloses a fan-beam focusing collimator which functions to focus radiation in a converging manner onto a scintillation crystal (note fan-beam focusing slits 3, Fig. 1). That Hase does not place any pixellated scintillators into the collimation holes is made further apparent to those skilled in the art by the disclosure of radiation transparent collimation frame bottom element 12 (Fig. 4; col. 4, lines 29-30). Manifestly, the only reason for making the bottom frame 12 radiation transparent is to allow radiation to pass through and out of the collimator frame to a scintillator positioned adjacent to the collimator. Because Hase fails to disclose each and every element of claim 28, Hase cannot and does not anticipate claim 28 as a matter of law. Consequently, withdrawal of this ground of rejection is requested.

The rejection of claims 1-27 under 35 U.S.C. § 103 as being obvious over Soluri et al., discussed at page 3 of the present application, in view of Hase, also is respectfully traversed. As acknowledged by applicants in the specification, Soluri does disclose a collimator with integrated crystals to address alignment problems. However, Soluri's collimator is fabricated by a cumbersome process requiring the formation of elongated holes in a high atomic number material.

Those skilled in the art would not have been motivated by Hase to form the septa 11 of the Soluri scintigraphic device from plates with focused slits as proposed in the Office

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action. The fan-beam focusing collimation obtained by the use of the partition plates 1 and 2 of Hase is fundamentally different from the pixellated scintillator device of Soluri, and is incompatible with such device. In particular, Hase is concerned with focusing of radiation at a predetermined location, through the use of a converging fan-beam collimator. Such focusing is inapposite to the Soluri device, which does not focus radiation but instead is based on parallel beam radiation detection. Hase does not recognize any deficiency in the Soluri device that would be solved by the Hase device. Therefore, Hase contains no teaching, suggestion or motivation from which those of ordinary skill in the art would have sought to make the modification proposed in the Office action. Only the present application teaches an improvement in pixellated collimator fabrication and reflective treatment, and only a reading of the present application would have suggested the combination of prior art as set forth in the Office action. As the Examiner knows, however, hindsight reconstruction of the claimed invention is not a proper basis upon which to make a determination of obviousness under 35 U.S.C. § 103. The teaching, suggestion or motivation instead must come from the prior art itself. Col. 4, line 12 of Hase, cited as purported combinational motivation by the Office action, simply states that the plates 1 and 2 need to be made of material that is sufficiently rigid to maintain its shape during assembly and operation. This passage of Hase does not suggest that plates be used to manufacture a collimator "in order to ease assembling and manufacturing" as asserted in the Office action. In view of the foregoing, reconsideration and withdrawal of the rejection of claims 1-27 also is requested.

Conclusion

Claims 1-28 are respectfully submitted to be directed to a novel collimator device, and scintigraphic device including such collimator, which is not taught or suggested by the prior art of record. Accordingly, favorable reconsideration of this application and the issuance of a Notice of Allowance is earnestly solicited.

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